



Criminal Law Act 1977

1977 CHAPTER 45

PART III

CRIMINAL PROCEDURE, PENALTIES, ETC.

Procedure for determining mode of trial of offences triable either way

19 Initial procedure on information for offence triable either way

- (1) Sections 20 to 24 below shall have effect where a person who has attained the age of seventeen appears or is brought before a magistrates' court on an information charging him with an offence triable either way.
- (2) Without prejudice to section 15 of the Magistrates' Courts Act 1952 (non-appearance of accused for trial), everything that the court is required to do under sections 20 to 23 below must be done before any evidence is called and, subject to the following subsection and section 24 below, with the accused present in court.
- (3) The court may proceed in the absence of the accused in accordance with such of the provisions of sections 20 to 23 below as are applicable in the circumstances if they consider that by reason of his disorderly conduct before them it is not practicable for the proceedings to be conducted in his presence; and subsections (3) to (5) of section 24 below, so far as applicable, shall have effect in relation to proceedings conducted in the absence of the accused by virtue of this subsection (references in those subsections to the person representing the accused being for this purpose read as references to the person, if any, representing him).
- (4) A magistrates' court proceeding under sections 20 to 24 below may adjourn the proceedings at any time, and on doing so on any occasion when the accused is present may remand the accused, and shall remand him if—
 - (a) on the occasion on which he first appeared, or was brought, before the court to answer to the information he was in custody or, having been released on bail, surrendered to the custody of the court; or

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- (b) if he has been remanded at any time in the course of proceedings on the information ;
- and where the court remands the accused, the time fixed for the resumption of the proceedings shall be that at which he is required to appear or be brought before the court in pursuance of the remand.
- (5) The functions of a magistrates' court under sections 20 to 24 below may be discharged by a single justice, but the foregoing provision shall not be taken to authorise the summary trial of an information by a magistrates' court composed of less than two justices.